

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	)	MDL No. 1456
	)	Master File No. 01-12257-PBS
	)	
	)	(Original Central District of California
	)	No. 03-CV-2238)
THIS DOCUMENT RELATES TO:	)	
	)	Judge Patti B. Saris
State of California, <i>ex rel.</i> Ven-A-Care v.	)	
Abbott Laboratories, Inc., <i>et al.</i> ,	)	
CASE # 1:03-cv-11226-PBS	)	
	)	

**DEFENDANTS SCHERING-PLOUGH CORPORATION'S AND WARRICK  
PHARMACEUTICALS CORPORATION'S INITIAL DISCLOSURES PURSUANT FED.  
R. CIV. P. RULE 26**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Local Rule 26.1(A) of the Local Rules of the United States District Court for the District of Massachusetts, and Paragraph 6(B) of the Case Management Order No. 31,<sup>1</sup> Defendants Schering-Plough Corporation ("Schering-Plough") and Warrick Pharmaceuticals Corporation ("Warrick") (collectively the "Warrick Defendants") hereby make the following initial disclosures.

The Warrick Defendants' disclosures are based on information reasonably available to them as of this date. The Warrick Defendants reserve the right to supplement, amend, or modify these disclosures as new information becomes available. By making these disclosures, the Warrick Defendants neither represent that they have identified every document, tangible thing or witness possibly relevant to this lawsuit, nor waives their rights to object to the production of any document or tangible thing disclosed on the basis of any privilege, the work product doctrine, relevance, undue burden or any other valid objections.

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<sup>1</sup> Under CMO 31, because the Warrick Defendants have fulfilled their obligations under CMO 18, paragraph 6, they "need provide only the information described in subparagraph (a)(1)(A) of Rule 26."

The Warrick Defendants state that the following individuals are likely to have discoverable information that the Warrick Defendants may use to support to support their claims or defenses. The Warrick Defendants state further that the identity of additional individuals with relevant information might be found in documents produced in this case and reserve the right to supplement this list. All current or former employees of the Warrick Defendants should be contacted through the Warrick Defendants' counsel.

1. Current and former employees of and consultants to the California Department of Health Services, other state agencies, and / or the California legislature. Such persons are likely to have discoverable information in this case. Warrick does not know the names of all these individuals though some were identified by Plaintiffs' Initial Disclosures.
2. Current and former employees of the relator, Ven-A-Care. Such persons are likely to have discoverable information in this case. Warrick does not know the names of all these individuals though some were identified by Plaintiffs' Initial Disclosures.
3. Current and former employees of the United States Department of Health & Human Services -- Health Care Finance Administration, Centers for Medicare and Medicaid Services, and Office of Inspector General. Such persons have knowledge regarding the use of AWP and WAC in pharmaceutical reimbursement, various government reports and audits discussing pharmaceutical reimbursement based on AWP and WAC, and other information regarding the reimbursement system used by Medi-Cal.
4. Current and former employees of Electronic Data Systems. Such persons have knowledge regarding the functions served by Electronic Data Systems as California's fiscal intermediary.
5. Healthcare providers who purchase and administer or fulfill prescriptions for products manufactured by the Warrick Defendants and or associations that advocate on behalf of such healthcare providers. Such persons may have knowledge regarding claims for reimbursement by Medi-Cal of products manufactured by the Warrick Defendants.

6. Current and former employees of the Red Book, Blue Book, and Medispan's Master Drug Database. Such persons have knowledge regarding information communicated to them by the Warrick Defendants and the prices these entities reported for products manufactured by the Warrick Defendants.
7. Current and former employees of Third Party Payors who reimburse for products manufactured by the Warrick Defendants. Such persons may have knowledge regarding the pricing and reimbursement of products manufactured by the Warrick Defendants and regarding prices reported in various pricing compendia.
8. Current and former employees of wholesalers who purchase products manufactured by the Warrick Defendants and distribute them to healthcare providers who fulfill prescriptions. Such persons may have knowledge regarding prices charged to providers of drugs manufactured by the Warrick Defendants and regarding prices reported in various pricing compendia.
9. Current and former employees of the Warrick Defendants. Such persons have knowledge regarding the pricing, marketing, sale, and distribution of Warrick's products.
  - a. Harvey Weintraub  
  
Consultant / former Vice-President  
Warrick Pharmaceuticals  
1095 Morris Avenue  
Union, NJ 07083
  - b. Jerome Sherman  
  
National Sales Manager  
Warrick Pharmaceuticals  
1095 Morris Avenue  
Union, NJ 07083
  - c. Walter Gough  
  
National Sales Manager  
Warrick Pharmaceuticals  
1095 Morris Avenue  
Union, NJ 07083
  - d. Al Graf  
  
National Sales Manager  
Warrick Pharmaceuticals  
1095 Morris Avenue  
Union, NJ 07083

e. Raman Kapur

Former President  
Warrick Pharmaceuticals  
1095 Morris Avenue  
Union, NJ 07083

f. John Van Schaften

Former Financial Manager  
Warrick Pharmaceuticals  
1095 Morris Avenue  
Union, NJ 07083

g. Debra Kane

Senior Director of U.S. Managed Markets Finance  
Schering-Plough Corporation  
2000 Galloping Hill Road  
Kenilworth, NJ 07083

h. James Kilgallon

Government Contract and Administration Group  
Schering-Plough Corporation  
2000 Galloping Hill Road  
Kenilworth, NJ 07083

10. In addition, Warrick incorporates by reference all persons identified in the Rule 26 disclosures of any other defendant in this action.

Respectfully Submitted,

/s/ Daniel J. Bennett

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Counsel for Warrick Pharmaceuticals  
Corporation and Schering-Plough Corporation

Dated: August 27, 2007

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2007, I caused a true and correct copy of the Defendants Schering-Plough Corporation's And Warrick Pharmaceuticals Corporation's Initial Disclosures Pursuant to Fed. R. Civ. P. Rule 26 to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Daniel J. Bennett  
Daniel J. Bennett